IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 20951 of 2007(T)

PETITIONER:

M.E.S.ENGLISH MEDIUM HIGH SCHOOL,
EDAPPALLYKOTTA, CHAVARA P.O.,
KOLLAM-691583, REPRESENTED BY SECRETARY,
SCHOOL MANAGEMENT COMMITTEE, MR. M.ABDUL LATHEEF.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENTS:

ASSISTANT PROVIDENT FUND COMMISSIONER
AND RECOVERY OFFICER, EMPLOYEES PROVIDENT FUND
ORGANISATION, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695004.

BY SMT.T.N.GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.20951 of 2007

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Dated this the 9th day of July, 2007

J U D G M E N T

By order issued under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, Ext.P3 herein, the petitioner has been directed to pay contributions under the Act. The same was followed by Ext.P4 demand notice. The petitioner does not dispute the liability to pay the amount. The only contention is that because of the financial difficulties faced by the petitioner, the petitioner may be permitted to pay the amount in instalments.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the Provident Fund Organization.

3. The learned Standing Counsel stoutly opposes the prayer. Taking into account the fact that the petitioner is a school, I feel that some

leniency can be shown to the petitioner. Accordingly, I direct the respondent to permit the petitioner to pay the amounts due in 10 equal monthly instalments starting from 1.8.2007. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner pays the instalments in time, further recovery proceedings pursuant to the impugned notices shall be kept in abeyance. However, if the petitioner commits default in payment of any one instalment, it would be open to the respondent to continue the proceedings as per Exts.P3 and P4 without having to issue any fresh notice or proceedings in that regard.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.